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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,174	11/29/2001	Michael Horn	112740-355	1241
29177	7590	01/13/2005	EXAMINER	
BELL, BOYD & LLOYD, LLC			NGUYEN, KIMBERLY D	
P. O. BOX 1135			ART UNIT	
CHICAGO, IL 60690-1135			PAPER NUMBER	
			2876	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H-A

**Office Action Summary**

Application No.

09/980,174

Applicant(s)

HORN ET AL

Examiner

Kimberly D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 October 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16-21, 23-27 and 29-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-21, 23-27 and 29-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Amendment*

1. Acknowledgement is made of Amendment filed 15 October 2004.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 16-21, 23 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Teicher (US 5,206,488).

Re claims 16, 18, 20-21 and 25: Teicher teaches a data transfer method for topping up a prepaid electronic credit, in real time, associated with a service user over a data and telecommunication network (fig. 1), the method comprising the steps of:

defining the service user as a holder of a first electronic settlement account (the subscriber's central account);

defining a service operator as a holder of a second electronic settlement account (the subscriber's local account);

transmitting a transfer signal from a terminal of the service user (i.e., transmitting the signal of the local account, which drops below the specified minimum amount (col. 2, lines 13-35));

reserving a predetermined electronic sum of money in the first electronic settlement account (the subscriber's central account) in response to the transfer signal ("to automatically

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transfer a predetermined amount from the subscriber's central storage device to the subscriber's local storage device" (col. 2, lines 20-23)): and

transferring the sum to the second electronic settlement account, and increasing the prepaid electronic credit at the same time; wherein the steps of reserving the predetermined electronic sum of money, transferring the sum to the second electronic settlement account, and increasing the prepaid electronic credit occur in real time (col. 1, line 53 through col. 9, line 16).

Re claim 17: Teicher teaches the method further comprising the steps of:

managing the prepaid electronic credit on a credit management server (2a-2n, 4a-4n in fig. 1; col. 3, lines 7-37) in the data and telecommunication network;

managing the first and second electronic settlement accounts on an account management server (2a-2n, 4a-4n in fig. 1; col. 3, lines 7-37) in the data and telecommunication network; and

implementing a piece of money transfer software (application) on an application server in the data and telecommunication network to assist in the data transfer (see figs. 2-7).

Re claims 19 and 23: Teicher further teaches the step of transmitting, via the application server, an acknowledgement signal to the terminal of a service user when the transaction has been performed (fig. 3, items 69-71).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 24, 26-27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teicher in view of Stadelmann (US 6,416,414). The teachings of Teicher have been discussed above.

Although, Teicher teaches the data communicating between accounts/servers is through a telephone communicating line/network (6 in fig. 1). However, Teicher fails to specifically teach the data communication is over a mobile radio network.

Stadelmann teaches a prepaid amount stored on the SIM card (21 in fig. 1) can be transferred to the central play station through the mobile radio network (1 in fig. 1; col. 3, lines 31-50).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the mobile radio network for data communication as taught by Stadelmann to the conventional telephone communication teachings of Teicher in order to employ the latest telecommunication technology, which is the mobile telecommunication, to the Teicher's data communication system. Therefore, such modification would have been an obvious extension from Teicher's teachings.

6. Claims 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teicher in view of Ishikawa et al. (US 6,343,284; hereinafter "Ishikawa"). The teachings of Teicher have been discussed above.

Teicher fails to teach the server having an authentication code memory and a comparison unit for comparing an authentication code received from the service user terminal with a stored authentication code.

Ishikawa teaches the server having an authentication code memory and a comparison unit for comparing an authentication code received from the service user terminal with a stored authentication code (col. 5, line 6 through col. 6, line 13).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the notoriously old authentication code as taught by Ishikawa to the teachings of Teicher in order to provide a positive identification (i.e., to compare the password between the server and the information medium) to further secure the system from unauthorized users.

### ***Conclusion***

Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in reparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 571-272-2402. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



KDN

January 7, 2005



MICHAEL G. LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800